

**From:** [Kitto, Alison](#)  
**To:** [Gutierrez, Raul](#)  
**Subject:** FW: MNV 2014-0338-EPP; Enterprise Products Operating  
**Date:** Wednesday, June 11, 2014 9:34:41 AM  
**Attachments:** [Rookery\\_Activity\\_Windows\\_1990atlas.doc](#)

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**From:** Joshua Marceaux [mailto:joshua\_marceaux@fws.gov]

**Sent:** Monday, June 09, 2014 10:44 AM

**To:** Castaing, Stephanie L MVN

**Cc:** Kitto, Alison; Patti Holland; Brad Rieck; Chris Davis

**Subject:** MNV 2014-0338-EPP; Enterprise Products Operating

Stephanie, The U.S. Fish and Wildlife Service (Service) has reviewed Joint Public Notice MVN-2014-0338-EPP, dated June 2, 2014. Enterprise Products Operating has requested a Department of the Army permit to clear, grade, and fill jurisdictional wetlands to install a 3.4-mile, 12-inch ethane gas pipeline in St. Charles Parish, Louisiana. This report is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d), and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.).

The Public Notice states that the proposed pipeline would require clearing a new right-of-way (ROW), excavation and deposition of approximately 28,071.39 cubic yards of native material and 871.2 cubic yards of crushed stone/gravel. The proposed pipeline ROW width would be 75-feet in width, with a 50-foot wide area being permanently maintained post pipeline construction.

Approximately 27.0 acres of jurisdictional wetlands and/or waters of the U.S. would be impacted via the proposed activity.

#### Jurisdictional Wetlands

The project area jurisdictional wetlands provide valuable habitat for fish and wildlife within Federal trusteeship, including resident and migratory waterfowl, wading birds, and songbirds. In addition to their habitat values, those wetlands provide floodwater storage and perform important water quality functions by reducing dissolved nutrient levels and removing suspended sediments.

Therefore, to avoid/minimize impacts to project area jurisdictional wetlands, we recommend the following:

1. The horizontal directional drilling (HDD) method should be used at all major waterbody crossings and across areas of contiguous swamp and/or bottomland hardwood forests to the furthest practicable extent.
2. If it is determined by everyone involved and agreed upon that the HDD method cannot be utilized, the Service recommends the push-pull method installation be utilized to the furthest practicable extent.
3. The permanent ROW should be reduced to the minimum feasible width, particularly within higher quality jurisdictional forested wetlands.
4. Any compressor stations, mainline valves, temporary workspaces, etc. should be located outside of wetlands.
5. Any proposed permanent or temporary access roads should be located outside of wetlands. In addition, any such roads should also contain the appropriate features (e.g., appropriate-sized culverts) necessary to maintain wetland hydrology or stream morphology.

#### Bald Eagles

The project area may contain mature forested wetlands which may contain nesting bald eagles (*Haliaeetus leucocephalus*), officially removed from the List of Endangered and Threatened Species

on August 8, 2007. Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in mature trees (e.g., bald cypress, sycamore, willow, etc.) in or near to cypress/tupelo swamps and near fresh to intermediate marshes or open water in the southeastern Parishes. Major threats to this species include habitat alteration, human disturbance, and environmental contaminants (i.e., organochlorine pesticides and lead).

Breeding bald eagles occupy "territories" that they will typically defend against intrusion by other eagles, and that they likely return to each year. A territory may include one or more alternate nests that are built and maintained by the eagles, but which may not be used for nesting in a given year. Potential nest trees within a nesting territory may, therefore, provide important alternative bald eagle nest sites. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that may weigh more than 1,000 pounds. Most nests are located in the upper 30 feet of the tree; the cone-shaped nest may be 6 to 8 feet in diameter and 6 to 8 feet from top to bottom. Nest sites typically include at least one perch with a clear view of the water or area where the eagles usually forage. Shoreline trees or snags located near large waterbodies provide the visibility and accessibility needed to locate aquatic prey. Bald eagles are vulnerable to disturbance during courtship, nest building, egg laying, incubation, and brooding. Disturbance during this critical period may lead to nest abandonment, cracked and chilled eggs, and exposure of small young to the elements. Human activity near a nest late in the nesting cycle may also cause flightless birds to jump from the nest tree, thus reducing their chance of survival.

Although the bald eagle has been removed from the List of Endangered and Threatened Species, it continues to be protected under the MBTA and the BGEPA. The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/southeast/es/baldeagle/NationalBaldEagleManagementGuidelines.pdf>.

Those guidelines recommend: (1) maintaining a specified distance between the activity and the nest (buffer area); (2) maintaining natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. On-site personnel should be informed of the possible presence of nesting bald eagles within the project boundary, and should identify, avoid, and immediately report any such nests to this office.

If a bald eagle nest is discovered within a 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: <http://www.fws.gov/southeast/es/baldeagle>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. The Division of Migratory Birds for the Southeast Region of the Service (phone: 404/679-7051, e-mail: [SEmigratorybirds@fws.gov](mailto:SEmigratorybirds@fws.gov)) has the lead role in conducting such consultations. Should you need further assistance interpreting the guidelines or performing an on-line project evaluation, please contact the Louisiana Ecological Services office.

#### Colonial Birds

The Service recommends a qualified biologist inspect the proposed work areas that are within forested wetlands for the presence of undocumented rookeries during nesting seasons. Once the surveys have been conducted, we request that any rookery locations be reported to our office and to Mr. Mike Seymour (225/765-2281) with Louisiana Department of Wildlife and Fisheries, Natural Heritage Program. We also recommend that on-site contract personnel be trained to recognize

colonial nesting birds and their nesting behavior so that they can be avoided during the breeding season. To minimize disturbance to colonial nesting birds please review the attachment and observe the following restriction:

- All activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (August 1st to February 15th) depending on species present.

If you need further assistance regarding our comments, please contact Joshua Marceaux at the number below.

Thanks,

Joshua Marceaux

U.S. Fish and Wildlife Service

Fish and Wildlife Biologist

Southwest Louisiana National Wildlife Refuge Complex

Lacassine National Wildlife Refuge

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**From:** [Gutierrez, Raul](#)  
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**Cc:** [Kitto, Alison](#); [Ettinger, John](#); [Patti Holland](#); [Kyle Balkum](#); [Elizabeth Johnson \(DEQ\)](#); [Abernathy, Lisa](#); [Williams, Patrick](#); [Hartman, Richard](#)  
**Subject:** MVN-2014-0338; Enterprise Products Operating  
**Date:** Friday, June 20, 2014 10:05:00 AM

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Stephanie,

The Environmental Protection Agency (EPA) has reviewed the Public Notice dated June 2, 2014, concerning Department of the Army Permit Application Number MVN-2014-0338, submitted by Enterprise Products Operating on behalf of Enterprise Liquids Pipeline, LLC. The applicant is proposing to install and maintain 3.4 miles of new 12" ethane gas pipeline within a newly constructed right-of-way. The proposed project is located in St. Charles Parish, Louisiana, and would affect approximately 27.0 acres of jurisdictional wetlands and other waters of the U.S. The applicant has proposed to compensate for unavoidable impacts at Timberton Mitigation Bank. The comments that follow are being provided for use in reaching a decision relative to compliance with the EPA's *404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230)*.

The jurisdictional wetlands that would be impacted by this project not only provide wildlife habitat, but also perform valuable water quality maintenance functions by removing excess nutrients and pollutants from the water. They also provide floodwater storage. As you are aware, wetland areas such as those proposed to be impacted have experienced a tremendous decline in Louisiana. The *404(b)(1) Guidelines* prohibit the discharge of dredged or fill material into waters of the United States, including wetlands, if there is a practicable alternative.

The EPA recommends that a Department of the Army Permit not be issued for this activity until the applicant demonstrates the need for the project and its location within a wetland area, and provides a full evaluation of less environmentally damaging alternatives for the EPA to review. If there are no less damaging sites for the project, the applicant should be required to examine opportunities to minimize impacts on site by reducing and/or reconfiguring the proposed project. Finally, should the Corps find it in the public's interest to issue a permit for the proposed project, compensatory mitigation within the project watershed should be provided for all unavoidable impacts that should fully offset all lost wetland functions and values. Thank you for the opportunity to review and comment on the public notice.

Raul Gutierrez, Ph.D.

Wetlands Section (6WQ-EM)

US EPA Region 6

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## ENCLOSURE

This table is an excerpt from page 31 of:

Martin, R.P., and G.D. Lester. 1990. The Atlas and Census of Wading Bird and Seabird Nesting Colonies of Louisiana: 1990. Louisiana Department of Wildlife and Fisheries – Louisiana Natural Heritage Program. Special Publication No. 3 for the U.S. Department of Interior – Fish and Wildlife Service. Contract No. 14-16-0004-89-963.

Table 8. Nesting chronology for colonial-nesting waterbirds in Louisiana with suggested activity windows.<sup>a</sup>

Species	Incubation Season		Incubation Period (days)	Days to Fledging	Activity <sup>b</sup> Window
Brown Pelican	1 Nov	to 15 Jun	28-30	74-76	1 Aug to 31 Oct
Olivaceous Cormorant	15 Mar	to 15 Apr	23-26	35-42	1 Jul to 1 Mar
American Anhinga	15 Mar	to 15 Apr	25-28	?	1 Jul to 1 Mar
Great Blue Heron	1 Mar	to 30 Apr	25-29	58-62	1 Aug to 15 Feb
Great Egret	1 Mar	to 31 May	23-24	40-44	1 Aug to 15 Feb
Snowy Egret	16 Mar	to 15 Jun	17-19	20-25	1 Aug to 1 Mar
Little Blue Heron	16 Mar	to 15 Jun	22-24	28-32	1 Aug to 1 Mar
Tricolored Heron	16 Mar	to 15 Jun	20-22	?	1 Aug to 1 Mar
Reddish Egret	16 Mar	to 15 Jun	23-26	?	1 Aug to 1 Mar
Cattle Egret	16 Apr	to 30 Jun	21-24	35-40	1 Sep to 1 Apr
Green-backed Heron	1 Apr	to 30 Jun	19-21	16-17	1 Sep to 15 Mar
Black-crowned Night-Heron	16 Mar	to 15 Jun	24-26	40-42	1 Sep to 1 Mar
Yellow-crowned Night-Heron	1 Apr	to 15 Jun	?	?	1 Sep to 15 Mar
White Ibis	16 Apr	to 30 Jun	21-23	35-42	1 Sep to 1 Apr
Glossy/White-faced Ibis	16 Apr	to 30 Jun	21-23	42-49	1 Sep to 1 Apr
Roseate Spoonbill	16 Apr	to 15 Jun	23-24	49-56	1 Aug to 1 Apr
Laughing Gull	16 Apr	to 15 Jun	23-25	35-45	1 Aug to 1 Apr
Gull-billed Tern	16 May	to 15 Jul	22-23	28-35	16 Sep to 1 May
Caspian Tern	1 May	to 15 Jul	26-28	36-48	16 Sep to 15 Apr
Royal Tern	1 May	to 15 Jul	28-31	36-48	16 Sep to 15 Apr
Sandwich Tern	1 May	to 15 Jul	23-25	22-33	16 Sep to 15 Apr
Common Tern	1 May	to 15 Jul	21-25	23-27	16 Sep to 15 Apr
Forster's Tern	1 Apr	to 31 May	25-29	23-27	1 Aug to 15 Mar
Least Tern	1 May	to 15 Jul	20-25	19-23	16 Sep to 15 Apr
Sooty Tern	16 May	to 15 Jul	22-23	30-35	16 Sep to 15 Apr
Black Skimmer	16 May	to 15 Jul	22-23	30-35	16 Sep to 1 May

<sup>a</sup> Data are compiled from Bent (1921), Bent (1926), Palmer (1962), Harrison (1975), Portnoy (1977) and Terres (1980).

<sup>b</sup> Suggested project initiation and completion dates to minimize disturbance to nesting birds.